

**UNITED STATES DISTRICT COURT**  
*Eastern District of Washington*

JAMES GEARY KING,

Plaintiff,

v.

DEPARTMENT OF CORRECTION, et al,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: CV-09-5033-RHW

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED the Petition is DISMISSED without prejudice for failure to exhaust state court remedies. The Court further certifies that pursuant to 28 U.S.C. 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability (28 U.S.C. 2253(c); Fed. R.App.P.22(b). Filed closed.

January 4, 2010

Date

JAMES R. LARSEN

Clerk

s/ Cheryl Switzer

(By) Deputy Clerk

Cheryl Switzer